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Appl. No. : 09/550,354
Filed : April 14, 2000

REMARKS

In response to the Office Action, Applicant respectfully requests the Examiner to reconsider Claims 1-3, 5 – 9, 11 – 19, 22 – 33, and 35 – 55 of the above-captioned application in view of the foregoing amendments and the following comments. Applicant thanks the Examiner for an informative in-person interview on January 17, 2006.

Personal Examiner Interview and Claim Amendments

In a personal Interview including Examiner Garg counsel for Applicant, Examiner Garg agreed that proposed amendments to limitations in independent claims 1, 11, 22, 27, 37, and 46 appear to overcome the cited prior art. The foregoing amendments to claims 1, 11, 22, 27, 33, 37, and 46 incorporate subject matter discussed during the Interview with Examiner Garg. No new subject matter is added by these claim amendments. The dependent claims depend directly or indirectly from claims 1, 11, 22, 27, 33, 37, or 46. Accordingly, Applicant respectfully asserts pending claims 1-3, 5-9, 11-19, 22-33, and 35-55 are in condition for allowance and submits these claims for further examination.

Claim Rejections under 35 U.S.C. § 103

In the Office Action, the Examiner stated claims 1-3, 5-6, 9, 11-13, 15-17, 22-24, 26, 33, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosen in view of Dworkin (US Patent 4,992,940), in view of Lahey, in view of Official Notice and further in view of Meltzer et al. (US Patent 6,125,391), hereinafter referred to as Meltzer. Under 35 U.S.C. 103(a), the Examiner also rejected claims 7-8 and 18-19 as being unpatentable over Rosen/Dworkin/Lahey/Meltzer and further in view of the web pages “americangreetings.com” as available to the public on the internet on November 15, 1999, extracted from <http://www.archive.org> or 8/22/03, and rejected claim 14 as being obvious over Rosen/Dworkin/Lahey/Meltzer and further in view of Official Notice, rejected claims 27-30, 32 and 37-41, 45-51 and 55 as being unpatentable over Rosen in view of Dworkin and further in view of Lahey. The Examiner rejected claims 46-48, 50-51, and 55, stating their limitations are covered by the limitations of claims 37-41, and 45 and are therefore analyzed and rejected as unpatentable over Rosen/Dworkin/Lahey. The Examiner rejected claims 31, 42-43 and 52-53 under 35 U.S.C. 103(a) as being unpatentable over Rosen/Dworkin/Lahey and further in view of Americangreetings, and rejected claims 44-54 under 35 U.S.C. 103(a) as being obvious over Rosen/Dworkin/Lahey and further in view of Official Notice. Applicant traverses these rejections.

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To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See M.P.E.P § 2143.03. Upon a careful reading of Rosen, Dworkin, Lahey, or Meltzer, and as discussed in the Interview, the cited prior art does not disclose or suggest the limitations of the amended independent claims. For example, none of the prior art teaches or discloses the below-stated amended limitation of claim 1:

"providing to the user via said communication network a design interface, said design interface comprising at least one web page including at least one design tool that allows the user to select configuration options and to create individualized enhancements, wherein said design tool is configured to constrain at least one configuration option available in said design interface in response to a user selection of a configuration option so as to only allow the user to select further configuration options and create individualized enhancements such that the user selected configuration options and created enhancements are within the manufacturing capabilities retrieved from the database of at least one vendor of the two or more vendors capable of producing the selected product;"

(Claim 1 emphasis added)

Accordingly, a prima facie case of obviousness cannot be established, and Applicant respectfully suggests Claim 1 is in condition for allowance for at least this reason and submits claim 1 for further examination. As also discussed in the Interview, none of Rosen, Dworkin, Lahey, or Meltzer, singly or in combination, disclose or suggest all the amended limitations of the other independent claims. Independent claims 11, 22, 27, 33, 37, and 46 also include amendments to the limitations of the design tool and/or the design interface as discussed in the Interview. Accordingly, Applicant respectfully asserts claims 11, 22, 27, 33, 37 and 46 are also in condition for allowance for at least the same reasons as claim 1, and submits claims 11, 22, 27, 33, 37 and 46 for further examination.

Claims 2-3, 5-9, 12-19, 23-32, 35-45, and 47-55, are dependant either directly or indirectly on claims 1, 11, 22, 27, 33, 37 and 46. Accordingly, Applicant respectfully asserts claims 2-3, 5-9, 12-19, 23-32, 35-45, and 47-55 are also in condition for allowance for at least the same reasons as independent claims 1, 11, 22, 27, 33, 37 and 46, and submits claims 2-3, 5-9, 12-19, 23-32, 35-45, and 47-55 for further examination.

CONCLUSION

The applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims for patentability purposes pursuant to statutory section 103, the reasons therefor, and arguments in support of the patentability

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of the pending claim set are presented above. In light of these amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. Furthermore, any new claims presented above are of course intended to avoid the prior art, but are not intended as replacements or substitutes of any cancelled claims. They are simply additional specific statements of inventive concepts described in the application as originally filed.

If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned at (619) 687-8610.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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